

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:18-CR-00043(1)-ADA
	§	
(1) THEODORE ITSHAMON HANEE	§	
BYERS		

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On April 22, 2025 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) THEODORE ITSHAMON HANEE BYERS, which alleged that Byers violated a condition of his supervised release and recommended that Byers's supervised release be revoked (Clerk's Document No. 44). A warrant issued and Byers was arrested. On April 28, 2025, Byers appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set.

Byers appeared before the magistrate judge on May 13, 2025, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on May 13, 2025, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the original offense and

the intervening conduct of Byers, the magistrate judge recommends that this court continue Byers supervised release. Finally, it is RECOMMENDED that it be ORDERED that if Defendant again violates the terms of his supervised release, he be brought before the undersigned for any supervised release revocation hearing, if at all possible (Clerk's Document No. 57).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

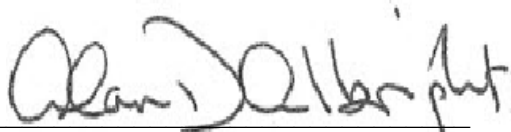
On May 13, 2025, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 56). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 57) is hereby ACCEPTED AND ADOPTED by this court.

IT IS FURTHER ORDERED that Defendant (1) THEODORE ITSHAMON HANEE BYERS's term of supervised release is hereby CONTINUED. In addition, **IT IS FURTHER ORDERED** that if Defendant, again, violates the terms of his supervised release, he be brought before the Honorable Judge Derek T. Gilliland for any supervised release revocation hearing, if at all possible.

IT IS FURTHER ORDERED that all prior conditions of supervised release are reimposed.

Signed this 15th day of May, 2025.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE